

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

BENCHMARK RESOURCES)	
CORPORATION, a Colorado)	
corporation; et al.,)	
)	
Plaintiffs,)	
)	
vs.)	No. 03-178L
)	
UNITED STATES,)	
)	
Defendant.)	
_____)	

DEPOSITION OF DAROLD PROCTOR

Phoenix, Arizona
February 13, 2006
10:08 a.m.

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1 couldn't sustain the litigation, or they gave it up, one
2 of the two. Anyway, they got out, they quit.

3 Q. But you can't remember any of those allegations?

4 A. No, I can't remember the specific allegations.

5 Q. How about the broad allegations, not the specific
6 ones, what the gist of the case was?

7 A. They were just -- well, mainly the problem, one
8 of the problems was the shareholders, when the oil
9 started down, they had to blame somebody, but I don't
10 remember. I just can't recall it, Elsie, I'm sorry.

11 Q. So let's just back up and maybe you can refresh
12 my memory on how you got involved in the oil and gas
13 market generally.

14 A. How what?

15 Q. You got involved in the oil and gas, how you
16 became involved in that with no background whatsoever in
17 it.

18 A. Well, you don't have to have a background to get
19 involved, Elsie.

20 Q. No, I understand. I'm asking how you got
21 involved.

22 A. Well, I just had an interest in it.

23 Q. Did you have any education or background at all
24 in oil and gas?

25 A. No, I haven't.

1 Q. Did you have any background in engineering?

2 A. No.

3 Q. What about other mineral interests, coal, did you
4 have any background at all in that?

5 A. No.

6 Q. I'd like to go to Benchmark's tax returns that we
7 have marked as Exhibit 12.

8 Mr. Proctor, have tax returns been filed for each
9 and every year of Benchmark's existence?

10 A. As far as I know.

11 Q. Now, let me just ask a basic question. If you
12 could turn, for instance, to the return for 1989, looks
13 like it's about halfway through this bundle.

14 MR. MacKINLAY: You want to just show him
15 yours?

16 Q. BY MS. KAPPLER: You will note on the face sheet
17 this document was filed in 1997.

18 A. It was what now?

19 Q. Filed in 1997. And I'll represent to you that
20 that's true for many of the tax returns here, in 1988 --

21 A. I don't recall what was going on.

22 Q. You don't know why Benchmark didn't report or
23 file taxes for years and years?

24 Here's the 1986 tax return filed in 1997.

25 A. I can't recall what happened there.